

1 GARY D. FRIEDMAN (*Admitted Pro Hac Vice*)
gary.friedman@weil.com

2 DANIEL J. VENDITTI (*Admitted Pro Hac Vice*)
daniel.venditti@weil.com

3 WEIL, GOTSHAL & MANGES, LLP
767 Fifth Avenue

4 New York, NY 10153

Telephone: (212) 310-8000

5 Facsimile: (212) 310-8007

6 CHRISTOPHER J. COX (Bar No. 151650)
chris.cox@weil.com

7 WEIL, GOTSHAL & MANGES, LLP
201 Redwood Shores Parkway

8 Redwood Shores, CA 94065

Telephone: (650) 802-3029

9 Facsimile: (650) 802-3100

10 Attorneys for Defendant
TUESDAY MORNING, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 CYNTHIA MCMAHON, on behalf of
herself, all others similarly situated,

17 Plaintiff,

18 v.

19 TUESDAY MORNING, INC., a Texas
20 corporation; and DOES 1-50, inclusive,

21 Defendants.
22
23
24
25
26
27
28

CASE NO. 3:14-cv-05547 (EMC)

(Removed from Contra Costa Superior Court
Case No. C-14-02113)

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO MODIFY BRIEFING
SCHEDULE AND HEARING DATE OF
PLAINTIFF'S MOTION TO AMEND
PURSUANT TO LOCAL RULE 6-2**

Judge: Hon. Edward M. Chen

1 Defendant Tuesday Morning, Inc. (“Defendant”) and Plaintiff Cynthia McMahon
 2 (“Plaintiff”) (collectively, the “Parties”), by and through their respective counsel of record,
 3 hereby stipulate as follows:

4 WHEREAS, on July 20, 2015, Plaintiff filed her Notice of Motion and Motion for Leave
 5 to File First Amended Complaint (ECF No. 34) (“Motion”), which Motion Plaintiff noticed to be
 6 heard on August 27, 2015;

7 WHEREAS, due to previously scheduled conflicts, including long planned vacation —of
 8 which counsel for Defendant advised Plaintiff’s counsel in advance of the filing of Plaintiff’s
 9 Motion—Defendant is not available for Plaintiff’s Motion to be heard on August 27, 2015;

10 WHEREAS, due to these scheduling conflicts, Defendant has requested to continue the
 11 hearing date on Plaintiff’s Motion to October 1, 2015 at 1:30 p.m.;

12 WHEREAS, Plaintiff has consented to Defendant’s request to continue the hearing date
 13 on Plaintiff’s Motion to October 1, 2015 at 1:30 p.m.;

14 WHEREAS, pursuant to Northern District Civil Local Rule 7-3, Defendant’s opposition
 15 to Plaintiff’s Motion is currently due on August 3, 2015 and Plaintiff’s reply is due on August
 16 10, 2015;

17 WHEREAS, Defendant has requested to extend its deadline to file its opposition to
 18 Plaintiff’s Motion to August 28, 2015 and Plaintiff’s reply deadline to September 11, 2015;

19 WHEREAS, Plaintiff has agreed to extend the deadline for Defendant to file its
 20 opposition to Plaintiff’s Motion to August, 28, 2015 and Plaintiff’s reply to September 11, 2015;

21 WHEREAS, in sum, the Parties have agreed to the following revised briefing and hearing
 22 schedule on Plaintiff’s Motion:

- 23 • Due date for Defendant’s Opposition: August 28, 2015
- 24 • Due date for Plaintiff’s Reply: September 11, 2015
- 25 • Hearing on Plaintiff’s Motion: October 1, 2015 at 1:30 p.m.

26 WHEREAS, the parties have not previously requested to modify the briefing schedule or
 27 hearing date on Plaintiff’s Motion;

1 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties,
2 through their respective counsel and subject to the Court's approval, that (1) Defendant's
3 deadline to file its opposition to Plaintiff's Motion shall be August 28, 2015; (2) Plaintiff's
4 deadline to file her reply shall be September 11, 2015; and (3) the hearing date on Plaintiff's
5 Motion be continued from August 27, 2015 at 1:30 p.m. to October 1, 2015 at 1:30 p.m.

6 **IT IS SO STIPULATED.**

7 Respectfully submitted,

8
9 DATED: July 30, 2015

WEIL, GOTSHAL & MANGES LLP

10 By: /s/ Gary D. Friedman
11 Gary D. Friedman (*Admitted Pro Hac Vice*)
12 Attorneys for Defendant
TUESDAY MORNING, INC.

13 DATED: July 30, 2015

SETAREH LAW GROUP

14
15 By: /s/ Shaun Setareh
16 Shaun Setareh
17 Attorneys for Plaintiff
CYNTHIA MCMAHON

18 Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of
19 this document has been obtained from each of the above signatories.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 3, 2015

By: _____

